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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,150	04/24/2001	Richard Alan Dayan	RPS9 2001 0015	6065
47052	7590	08/07/2006	EXAMINER	
SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			LEMMA, SAMSON B	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/841,150

Applicant(s)

DAYAN ET AL.

Examiner

Samson B. Lemma

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-14.

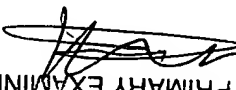
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


PRIMARY EXAMINER
KAMBIZ ZAND

Continuation of 11. does NOT place the application in condition for allowance because: Examiner asserts that the entire argument presented now has been some thing which have been already considered in the previous final office action. The applicant has not yet amended at least the limitation of the independent claims and therefore unable to overcome the rejection set forth in the final office action. Each and individual Applicant's remark/arguments filed on July 27, 2006 have been fully considered but they are not persuasive. Since all applicants' argument is similar/same as that of the previous argument, Examiner found it useful to repeat the previous response written in the previous final office action.

Applicant's first argument is referring to the independent claims 1 and 6. Applicant argued that some of the limitation in the independent claims 1 and 6 are not taught/disclosed by the references on the record namely by the combination of the applicants admitted prior art or AAPA and IBM Technical Disclosure Bulletin/Bulletin.

Applicant added the limitation that "the partition is being nonviewable and lockable from the operating system."

Examiner disagrees with the remark. Examiner first would point out that features of the partition is being nonviewable and lockable from the operating system is explicitly disclosed by the AAPR, see page 1, line 14-15.

The second argument by the applicant is referring to the independent claims 1 and 6. Applicant wrote the following in order to support his argument.

"If the AAPA were combined with the Bulletin, the combination could use the BootManager to request and validate passwords. However, because of the nature of the feature provided, these passwords would be for partitions, or sub-partitions, which are viewable from the operating system. Moreover, the passwords would be provided using the BootManager utility, rather than using BIOS during preboot. Consequently, the combination of the AAPA and the Bulletin would still fail to teach or suggest the method and system recited in claims 1 and 6. Accordingly, Applicant respectfully submits that claims 1 and 6 are allowable over the cited references."

Examiner disagrees with this argument.

Examiner also would point out that AAPA first discloses the following limitation in claim 1, for which the applicant didn't have any argument. "Allowing a plurality of sub-partitions to be defined in the partition, (Page 1, lines 8-9; figure 1, ref. Num "20" and ref. Num "22,24,26,28") the plurality of sub-partitions corresponding to a plurality of boot sources"(Page 1, lines 10; Page 2, lines 11-17) and And IBM Bulletin discloses the following,

Adding a features to the BootManager such that when the desired bootable partition is selected, the user is prompted to enter a password for that particular partition before booting commences. By doing this, individual partitions may be protected from unauthorized access. (Paragraph 1, lines 12-15). This does not mean that a separate boot manager that may query the user later in the boot process is necessary. This only implies that the BootManager is used as sort of interface to prompt the user to enter a password for that particular partition. This kind of facility is also required in the applicant invention so that the user is prompted and the user provides the sub-partition password and be able to boot from the sub-partition.[See for instance claim 2]

Furthermore IBM Bulletin further discloses that this solution allows the children to be restricted from accessing and modifying or corrupting the parents programs or data.(Paragraph 1, lines 9-11)

The main argument by the applicant is following "the password is not provided to each plurality of sub-partition instead IBM Bulletin is providing password for each plurality of partition."

Providing password for each plurality of partition as it is taught by the IBM Bulletin and duplicating the same process and partitioning the partition further in to the sub-partition and providing password for each sub-partition as it is disclosed on the claim is obvious for one of ordinary skill in the art as long as both are used for the same purpose. The IBM Bulletin and the applicant disclosure are used for similar purpose which is to allow different users access to different portions of the computer system to ensure that portions of the computer system remain secure. This purpose is disclosed on the applicant disclosure as mentioned below "According to the system and method disclosed herein, the present invention provides a more secure set of boot sources for the computer system. The boot sources allow different users access to different portions of the computer system to ensure that portions of the computer system remain secure." [See page 3, line 21-page 4, line 2 of the disclosure]. Like wise applicant's disclosure on page 3, line 4, discloses the following, "It may be desirable for only certain individuals, such as the network administrator or, in a family's computer, an adult, to have access to these utilities."

On the other side the IBM Bulletin further discloses the same function as recited as follows "that this solution allows the children to be restricted from accessing and modifying or corrupting the parents programs or data".(Paragraph 1, lines 9-11)

From at least one of the explanations provided above, It is undoubtedly clear that the application and the reference on the record in particular IBM Bulletin have similar purpose regarding the ultimate use of the password, and since providing a password for each plurality of partition is already disclosed then partitioning the partition further and providing a password for each plurality of sub-partition of the partition is obvious for one of ordinary skill in the art. It is obvious since it is just a repetition of the same process. If one can do the first step, then the second step is obvious for one of ordinary skill in the art.

Likewise, the examiner would also point out that, If partitioning the boot source in to a plurality of partitioning and providing a password for each partition is already taught in the IBM Bulletin as explained on Paragraph 1, lines 12-15 and it is also obvious for one having ordinary skill to duplicate the same process and continue partitioning each partition further in to the plurality of sub-partition and providing a password for each sub-partition. Duplicating the same process for the same purpose is obvious for one of ordinary skill in the art. In other words, allowing a password to be provided for each plurality of partition as oppose to duplicating the same process by partitioning each partition further in to sub-partition and allowing a password to be provided for each plurality sub-partition as the criterion for allowing different users access to different portions of the computer system to ensure that portions of the computer system remain secure, is obvious for one of ordinary skill in the art.

Applicant's other argument is regarding the dependent claims 2-5 and 7-14.

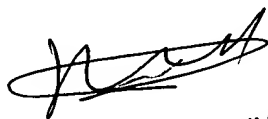
Applicants argued that since the independent claims 1 and 6 are patentable therefore all the claims dependent thereon are also in condition for allowance for the same reasons argued for the independent claims 1 and 6.

In response to the above argument by the applicant, the examiner replay discussed for the independent claims 1 and 6 above is also

valid towards this argument as the dependent claims stands and falls with the independent claims.

Therefore Examiner asserts that since the applicant entire argument presented here is a feature that is already discussed/taught/disclosed by the previous final office action, the rejection is maintained.

The rejection remains valid until applicant has further amend at least the independent claims and successfully overcome the rejection without introducing a new matter


KAMBIZ ZAND
PRIMARY EXAMINER